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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,654	09/28/2001	Toshiro Tsuchida	P21337	1982
7055	7590	11/21/2003		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER CAPRON, AARON J	
			ART UNIT 3714	PAPER NUMBER 10
DATE MAILED: 11/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/964,654

Applicant(s)

TSUCHIDA, TOSHIRO

Examiner

Aaron J. Capron

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is a response to the Request for Reconsideration received on September 4, 2003.

Claims 1-20 are pending.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Age of Rifles 1846-1905 User Manual (hereafter “Age of Rifles”).

Referring to claim 1, Age of Rifles discloses a computer readable recording medium comprising accepting an input to a computer of a candidate character intended to be an object of an action to be performed by a predetermined character in accordance with a control operation of a player; determining whether the input accepted for the candidate character is for an enemy character; displaying, in accordance with a determination result, a vicinity of the candidate character differently depending on whether or not the candidate character is an enemy character (Pages 11-12 under Crosshair Pointer and Arrow Pointer).

Referring to claim 2, Age of Rifles discloses a computer readable recording medium comprising accepting an input to a computer of an action to be performed by a predetermined character in accordance with a control operation of a player (player can move the friendly units and fire at enemy characters Pages 11-12 under Crosshair Pointer and Arrow Pointer); accepting

Art Unit: 3714

the input to the computer of a candidate character intended to be the object of the action to be performed by the predetermined character in accordance with a control operation of a player; and displaying, in accordance with the type of the action accepted as input and the type of the candidate character accepted as input, the vicinity of the candidate character differently depending on whether or not the candidate character is an enemy character (Pages 11-12 under Crosshair Pointer and Arrow Pointer).

Referring to claim 3, Age of Rifles discloses the action accepted as input in an attack action and the candidate character is an enemy character, a cursor pointing at the candidate character is displayed in a first display form (Page 11, under Crosshair Pointer and Pages 28-29, Fire Combat referring to crosshairs) and when the candidate character is not an enemy character, the cursor pointing at the candidate character is displayed in a second display form (Page 12, under Arrow Pointer).

Referring to claim 4, Age of Rifles discloses the action accepted as input in a defense action (Page 16, under the table "Tactical Formation" under Defensive Order and Square, both of which are defensive alignments) and the candidate character is not an enemy character, a cursor pointing at the candidate character is displayed in a first display form (under the Square Tactical Formation the unit is allowed to move into other hexagonal territories where friendly units are located) and when the candidate character is an enemy character, the cursor pointing at the candidate character is displayed in a second display form (Page 11, under Crosshair Pointer and Pages 28-29, Fire Combat referring to crosshairs).

Referring to claim 5, Age of Rifles discloses displaying a predetermined character vicinity different from a candidate character vicinity (Page 72, last paragraph "The color or the

base is a quick way of identifying the nationality of the unit”, for further support view the picture on page 10 of the enemy and friendly units).

Claims 6-10 correspond in scope to a video game program set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 11-15 correspond in scope to a video game processing method set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 16-20 correspond in scope to a video game apparatus set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

### ***Response to Arguments***

Applicant's arguments filed September 4, 2003 have been fully considered but they are not persuasive.

Applicant argues that Age of Rifles does not disclose selecting a candidate character that will be an object of action performed by a predetermined character. The Applicant further asserts that Age of Rifles selects candidate locations and not a candidate character. However, Age of Rifles specifically discloses using a crosshair cursor to fire on an enemy unit located within an adjacent hex (page 11, under Crosshair Pointer and page 28, under Fire Combat). Therefore, the claimed invention fails to preclude the game of Age of Rifles.

Applicant argues that Age of Rifles does not display the vicinity of candidate characters differently depending on whether the candidate character is an enemy character. As pointed out above, Age of Rifles discloses that a unit can use a crosshair cursor to fire upon an enemy unit

located within an adjacent hex. Further, Age of Rifles discloses that players can move units via an arrow pointer from one hex to an adjacent hex where an additional unit is located. The units can then be stacked (either joined or two units located in the same hex) in order to attack the enemy units. Applicant's claim language is not so limiting as to exclude the attack action being one single defined movement. During a player's turn, the plurality of movements of a unit before and during the attack is being considered as an attack action. Therefore, the claimed invention fails to preclude the Age of Rifles game.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Age of Rifles Strategies discloses the ability for two units to share a hex and the logic for a player to do so (page 3, highlighted portion). This is used to show the capabilities of the Age of Rifles game.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3714

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520.

The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc



S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700